

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CHARLIE THORNTON,

Plaintiff,

v.

FEDEX GROUND PACKAGE SYSTEM, INC.,

Defendant.

Civil Action No.
2:05-cv-00656-MEF

**MOTION FOR SUMMARY JUDGMENT BY DEFENDANT FEDEX GROUND
PACKAGE SYSTEM, INC.**

Pursuant to Federal Rule of Civil Procedure 56, Defendant FedEx Ground Package System, Inc. (hereinafter "FedEx Ground") respectfully moves for summary judgment on all of the claims asserted by Plaintiff in his Amended Complaint. (Docket # 11). FedEx Ground submits that Plaintiff cannot present any genuine issues of material fact and that FedEx Ground is entitled to judgment as a matter of law. This Motion is founded on Plaintiff's answers to FedEx Ground's interrogatories, the depositions that have been taken, the exhibits to those depositions, and the affidavit submitted as FedEx Ground's Evidentiary Materials in Support of Motion for Summary Judgment and on the argument contained in FedEx Ground's Memorandum of Law in Support of Motion for Summary Judgment, both of which are filed herewith.

DATED: April 18, 2006

/s Robert K. Spotswood

Robert K. Spotswood (SPO 001)

SPOTSWOOD LLC

KENNETH D. SANSOM (SAN 047)

JOHN R. PARKER, JR. (PAR 123)

EMILY J. TIDMORE (VAN 041)

940 Concord Center

2100 Third Avenue North

Birmingham, AL 35203

Phone: 205-986-3620

Fax: 205-986-3639

E-mail: rks@spotswoodllc.com

Attorneys for FedEx Ground Package System, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2006, I electronically filed the foregoing MOTION FOR SUMMARY JUDGMENT BY FEDEX GROUND PACKAGE SYSTEM, INC., with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following counsel of record for the Plaintiff:

K. Anderson Nelms, Esq.
Jay Lewis, Esq.
The Law Offices of Jay Lewis, LLC
P.O. Box 5059
Montgomery, AL 36103

DATED: April 18, 2006

/s Robert K. Spotswood
Robert K. Spotswood (SPO 001)

SPOTSWOOD LLC
940 Concord Center
2100 Third Avenue North
Birmingham, AL 35203
Phone: 205-986-3620
Fax: 205-986-3639
E-mail: rks@spotswoodllc.com

Attorney for FedEx Ground Package System, Inc.